IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 27172 of 2007(I)

PETITIONER:

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1. KERALA STATE BEVERAGES CORPORATION EMPLOYEES CONGRESS REP. BY ITS STATE SECRETARY, PRAHLADAN.K. PRAHALAD BHAVAN,MANALVAYAL P.O., PULPALLY VIA, WAYANAD.

2. XAVIER SHYAM,FI-1SHOP NO.110, KERALA STATE BEVERAGES CORPORATION LTD, EDAPPALLY, ERNAKULAM.

3. UNNIKRISHNAN P.K. S/O KANHAPPAN, POOLATHUMKADAVIL HOUSE, CHERANELLOR P.O., KOCHI-34. (FL-1 SHOP NO.112).

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.K.PRAVEEN KUMAR

RESPONDENTS:

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1. STATE OF KERALA REP. BY THE SECRETARY TAXES DEPARTMENT, SECRETARIAT,THIRUVANANTHAPURAM.

2. SECRETARY, LABOUR DEPARTMENT SECRETARIAT. THIRUVANANTHAPURAM.

3. KERALA STATE BEVERAGES (MANUFACTURING AND MARKETING CORPORATION LTD) REP. BY ITS MANAGING DIRECTOR, SASTHAMANGALAM, THIRUVANANTHAPURAM.

4. KERALA ABKARI WORKERS WELFARE FUND BORAD REP. BY ITS SECRETARY AND CHIEF WELFARE FUND INSPECTOR,POWER HOUSE ROAD, THIRUVANANTHAPURAM.

5. KERALA PUBLIC SERVICE COMMISSIONER REP. BY ITS SECRETARY, PATTOM,THIRUVANANTHAPURAM.

BY ADV. SRI.MILLU DANDAPANI
SRI.ALEXANDER THOMAS,SC,KPSC
SRI,. M.K. CHANDRAMOHAN DAS

W.P.(C)NO.27172 OF 2007

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)No. 27172 OF 2007

Dated this the 15th day of November, 2007

JUDGMENT

The 1st petitioner is a Trade Union representing Abkari Workers, who are working on daily wages in the Kerala State Beverages Corporation. By Ext.P2 judgment, this Court frowned upon the continuance of temporary employees, as a result of which the 3rd respondent has now reported the vacancies occupied by the members of the 1st petitioner Union for regular recruitment through Public Service Commission.

2. The contention of the petitioner in this writ petition is that while vacancies occupied by them temporarily are being reported to the Public Service Commission, the vacancies occupied by other similarly placed persons are not being reported.

3. A counter affidavit has been filed on behalf of the 3rd respondent in which it is categorically stated that all vacancies available have been reported to the Public Service Commission. As such, I do not find any merit in this writ petition. Even

otherwise in so far as Ext.P2 judgment has become final, the petitioners cannot now stake any claim for continuance in employment.

In the above circumstances, the writ petition is dismissed.

S. SIRI JAGAN, JUDGE

Acd